

AMENDMENT TO DRAWINGS

The replacement sheets of drawings attached as part of the Appendix includes changes to Figures 2, 3, and 5. These sheets, which include Figures 1 – 5, replace the original sheet including Figures 1 – 5. In Figures 2, 3, and 5, reference planes 27.1, 27.2 have been added for wobble plates 17.1, 17.2, respectively.

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 1, 3, and 14 will have been amended, while claim 11 has been canceled without prejudice or disclaimer. Accordingly, claims 1 – 10 and 12 – 25 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has withdrawn the restriction requirement and treated the merits of all claims 1 – 25. Moreover, the Examiner has indicated that claims 14 and 22 contain allowable subject matter and would be allowable if presented in independent forms that include the features of their respective base claims and any intervening claims. The drawings and claims 3 – 25 have been objected to, and claims 1 – 25 have been rejected based upon formal matters and/or over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claims 14 and 22 contain allowable subject matter and would be allowable if presented in independent forms that include the features of their respective base claims and any intervening claims.

By the present amendment, Applicants have presented claim 14 into independent and allowable form, but have not presented claim 22 into allowable form.

However, Applicants note that subsequently presenting claim 22 in independent form will render this claim allowable.

Applicants further note that, while claims 7 and 8 have been rejected based upon formal matter, these claims have not been rejected over the art of record. Thus, Applicants understand that once the formal rejection of claims 7 and 8 is overcome, claims 7 and 8 will likewise contain allowable subject matter.

Objection to the Drawings is Moot

By the present amendment, Replacement Sheets for amended Figures 2, 3, and 5 have been attached hereto as an Appendix. In the amended figures, rotational axes 27.1, 27.2 have been identified for wobble planes 17.1, 17.2, respectively, to even more clearly show the angular displacement of the wobble plates relative to rotational axis 16.

Applicants note that the original figures identify a rotational axis 16 for the lifting device.

Accordingly, Applicants submit that the drawings show each and every recited feature in the claims, and that the drawings are acceptable. Therefore, Applicants request that the Examiner confirm the same in the next official communication to the undersigned.

Traversal of Objection to Claims

Applicants traverse the Examiner's objection to claims 3 – 25 based upon informalities.

Initially, Applicants note that, as the Examiner has only objected to informalities in claims 3, 6, and 8, and none of these objected claims relate to claims 18 – 25, which is an independent set of claims, the Examiner should indicate that claims 18 – 25 are

acceptable.

By the present amendment, claim 3 has been amended in accordance with the Examiner's suggestion.

With regard to claim 6, Applicants note that, while longitudinal axial spacing has been recited in the claims, the term "longitudinal axial manner" has not. However, if the Examiner would prefer that claim 6 be amended in the manner he has suggested, Applicants would be willing to do so. Moreover, with regard to claim 8, Applicants note that, while a rotational axis was recited with regard to a wobble plate in claim 7, claim 8 recites a plurality of such plates in which each has a rotational axis. Again, if the Examiner prefers that claim 8 be amended in the manner he has suggested, Applicants would be willing to do so.

Applicants submit that the pending claims are in proper form, and request that the Examiner reconsider and withdraw the objection to claims 3 – 25 and indicate that these claims are acceptable.

Traversal of Rejection Under 35 U.S.C. § 112, Second Paragraph

Applicants traverse the rejection of claims 7, 8, and 25 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants submit that the term angularly displaceable in claims 7 and 25 and linearly displaceable in claim 25 are not relative terms that would render it difficult for one ordinarily skilled in the art to readily understand the scope of the claims. In particular, Applicants note that these terms clearly and unambiguously define the manner in which the elements are arranged, i.e., to pivot/rotate or to move in a straight line. Further, Applicants note that Figures 1 and 2 clearly and unambiguously show

double ended arrows identifying a linear movement path and an angular movement path.

Moreover, Applicants note that these terms do not even arguably suggest relative terminology, e.g., large, small, close, far, etc. Instead, the above-noted terms provide a definite structural arrangement of elements, that those ordinarily skilled in the art reviewing the disclosure and figures would understand, such that the scope of the claims would be readily ascertained.

With regard to claims 7 and 8, Applicants submit that the recitation that an angle between a rotational axis of said (each) wobble plate and a rotational axis of said conveyor drum is changeable is clear and unambiguous. In this regard, Applicants refer to, e.g., paragraphs [0050] and [0052], which clearly and unambiguously discloses that the rotational axes of the wobble plates are adjustable or changeable. Because of this feature, the preset displacement distances for the articles on the roller can be adjusted or changed.

Thus, Applicants submit that one ordinarily skilled in the art reviewing the disclosure and figures would readily understand the subject matter and scope of claims 7 and 8.

Therefore, Applicants request that the Examiner reconsider and withdraw the rejection of claims 7, 8, and 25 under 35 U.S.C. § 112, second paragraph, and indicate that these claims are fully in compliance with the statute.

Traversal of Rejection Under 35 U.S.C. § 102(b)

Applicants traverse the rejection of claim 1 – 6, 9 – 13, 15 – 21, and 23 – 25 under 35 U.S.C. § 102(b) as being anticipated by CROSARA (European Patent

Application No. 1 138 215). The Examiner asserts that CROSARA shows all of the recited features of the above-noted claims.

By way of review, Applicants note that known spreading drums and sliding drums provide a predetermined longitudinal axial lift to articles on these drums. However, due to their construction, the available lift or the longitudinal axial displacement for the articles is fixed. In contrast, the instant invention provides a conveyor drum in which a predetermined longitudinal lift for the conveyed articles can be changed or adjusted, i.e., the lift or displacement is not fixed.

Accordingly, Applicants' independent claim 1 recites, *inter alia*, an adjustment device structured and arranged to adjust the predetermined longitudinal axial lift. Moreover, Applicants' independent claim 18 recites, *inter alia*, adjusting the predetermined range, whereby the spacing between the positionably adjustable seats is changed to the adjusted predetermined range. Applicants submit CROSARA fails to disclose at least the above-noted features.

As with the above-identified known spreading drums, CROSARA shows a parting drum in which cigarette portions 5a and 5b are arranged on holder slides 10. As the drum rotates, holder slides 10 move relative to each other according to a track defined in a cam drum 17. Thus, the lift or parting of the cigarette portions is predefined by the tracks formed in cam drum 17. Moreover, in contrast to the instant invention, this predefined track cannot be changed.

Thus, Applicants submit that CROSARA fails to disclose an adjustment device structured and arranged to adjust the predetermined longitudinal axial lift, as recited in at least independent claim 1, and fails to disclose adjusting the predetermined range,

whereby the spacing between the positionably adjustable seats is changed to the adjusted predetermined range, as recited in at least independent claim 18.

Further, as CROSARA merely shows sliding plates guided along a fixed path in a cam drum, Applicants submit that CROSARA fails to provide any disclosure of the wobble plates recited in at least claims 4 – 6, 9 – 13, 20, 21, 24, and 25. Further, while the Examiner asserts that the slides 10 of CROSARA are wobble plates, he has not pointed to any teaching in CROSARA to support his position.

Because CROSARA fails to disclose at least the above-noted features, Applicants submit that the applied art fails to show each and every recited feature of the present invention, and that the Examiner has failed to provide an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b).

Further, Applicant submits that claims 2, 3, 15 – 19, and 23 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that CROSARA fails to anticipate, *inter alia*, said conveyor drum is structured and arranged in a tobacco processing apparatus, as recited in claim 2; a said lifting device is positioned to act on each fed row of articles, as recited in claim 3; said conveyor drum is structured as a spreading drum, as recited in claim 15; said conveyor drum is formed as a sliding drum, as recited in claim 16; a machine of the tobacco processing industry comprising the above-recited at least one conveyor drum, as recited in claim 17; said process is performed by a conveyor drum, as recited in claim 19; and an apparatus to perform the recited process, in which the apparatus includes a plurality of aligned positionably adjustable seats, a lifting device coupled to said plurality

of aligned positionably adjustable seats, and an adjustment device coupled to said lifting device, as recited in claim 23.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 – 6, 9 – 13, 15 – 21, and 23 – 25 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

Comments on Examiner's Statement of Reasons for Allowance

Applicants note that the Examiner has presented a Statement of Reasons for Allowance for claims 14 and 22. In this regard, while Applicants do not disagree with the Examiner's indication that certain identified features are not disclosed by the references of record, Applicants further wish to clarify that the claims in the present application recite a combination of features, and the basis for patentability of these claims is based upon the totality of the features recited therein.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner=s Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

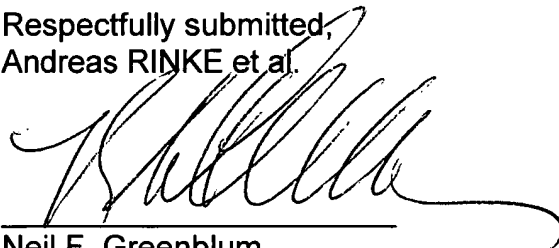
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 10 and 12 – 25. The claims have been amended to eliminate any arguable basis for objection or rejection based upon formal or informal matters. In addition, the applied reference of record has been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
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